UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 APR 22 AM 9:11
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

In the Matter of the Search of

1) Motorola i560 Cellular Telephone
FCC: AZ489FT5844
Serial Number: 364KFY1FF9

SEARCH WARRANT

CASE NUMBER: '08 MJ 0964

TO: John Mizusawa and any Authorized Officer of the United States

Affidavit having been made before me by John Mizusawa who has reason to believe that on the premises known as

See Attachment "A"

in the Southern District of California there is now concealed a certain person or property namely

See Attachment "B"

I am satisfied that the affidavit and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant based on alleged violations of: (1) Title 21, United States Code, Sections 952 and 960, importation of a controlled substance, and (2) Title 21, United States Code, Sections 841 (a)(1), Possession of a controlled substance with intent to distribute, (3) Title 21 United States Code Section 846, attempt and conspiracy.

YOU ARE HEREBY COMMANDED to search on or before 4-11-08
Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime -- 6:00 a.m. to 10:00 p.m.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize the same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to ANTHONY J. BATTAGLIA, UNITED STATES MAGISTRATE JUDGE as required by law.
United States District Court Judge or United States Magistrate Judge

APR 01 2008 9:30 Am at San Diego, California
Date and Time Issued City and State

ANTHONY J. BATTAGLIA
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer

Signature of Judicial Officer

RETURN

DATE WARRANT RECEIVED April 1, 2008	DATE AND TIME WARRANT EXECUTED April 1, 2008 4:05 PM	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH

INVENTORY MADE IN THE PRESENCE OF ICE Forensic Agent Andrew Chace

INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT

Motorola i560 cellular phone:
Name: Lino II
Phone number: 52-664-607-7888
Direct Connect: 152*15*382

Contacts: 254
SMS Messages: 20 (18 read, 2 deleted)
Recent Calls: 20

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

Subscribed, sworn to, and returned before me this date.

U.S Judge or Magistrate

Date 4/22/08

Attachment A

DESCRIPTION OF PROPERTY TO BE SEARCHED:

Item 1: Motorola i560 cellular telephone. This telephone is identified by FCC number AZ489FT5844, serial number 364KFY1FF9. The cellular telephone is presently in the custody ICE Seized Property Specialist Jobert Mata.

Attachment B

LIST OF ITEMS TO BE SEIZED:

Any and all electronically stored information found subsequent to the search of the property listed in Attachment A, including telephone numbers of incoming and outgoing calls stored in the call registry, telephone numbers and corresponding names to those numbers in the cellular telephone's address book, any incoming and outgoing text messages related to controlled substances or narcotics smuggling, and/or stored photographic images related to controlled substances or narcotics smuggling, and telephone subscriber information.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of the Search of
Motorola i560 Cellular Telephone
FCC: AZ489FT5844
Serial Number: 364KFY1FF9

CASE NO. ______________

AFFIDAVIT IN SUPPORT OF APPLICATION

I, John Mizusawa, being duly sworn, hereby depose and say:

I am a special agent (SA) with the Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE) having been so employed since October 21, 2002. I am currently assigned to the Resident Agent in Charge, San Ysidro Office. Prior to my current employment I served as a Customs Inspector for four years working at both the Honolulu Port of Entry in the State of Hawaii and the San Ysidro Port of Entry in the State of California. I graduated from Customs Basic Inspector School at the Federal Law Enforcement Training Center (FLETC) in December of 1998. As a Customs Inspector in San Ysidro, California I have conducted numerous searches on vehicles and discovered concealed narcotics. I am a graduate of the University of Hawaii where I received a Bachelor of Arts degree in Justice Administration. I am also a graduate of the FLETC Criminal Investigator's Training Program and the United States Customs Basic Enforcement School (CBES), in Glynco, Georgia. Since entering the field as an ICE S/A, I have conducted criminal investigations of or relating to narcotics smuggling. I have received specific training in the area of narcotics investigations, and I have training and experience in the methods used by narcotics traffickers to import and distribute drugs. I am presently assigned to Operation Alliance, a Border Drug Enforcement Task Force in San Ysidro, California, and my duties include investigating the illicit trafficking of controlled substances into the United States of America. I am cross-designated by the United States Drug Enforcement Administration to conduct narcotics investigations and enforce the provisions of the Federal Controlled Substance Act, pursuant to Title 21, United States Code.

This statement is made in support of an application for a search warrant to search a cellular telephone that is believed to contain evidence of violations of Title 21, United States Code, Sections 952 and 960, importation of a controlled substance, Title 21, United States Code, Sections 841 (a)(1), possession of a controlled substance with intent to distribute, and Title 21 United States Code Section

At secondary inspection area, CBP Officer C. Navarro conducted a 7-point inspection of the vehicle and observed packages through a drain plug concealed in a non-factory compartment below the rear seat. A randomly selected package was probed and a crystal like substance was discovered in the packages. This crystal-like substance field-tested positive for methamphetamines. A total of 8 containers were removed from the compartment with an aggregate weight of 11.28 KGS.

On October 30, 2007 at approximately 10:34 AM., U.S. Immigration and Customs Enforcement (ICE) Special Agent (SA) J. Mizusawa, and ICE SA A. Sanchez contacted ESPINOZA, the driver of the vehicle. SA Mizusawa advised ESPINOZA of his constitutional rights per Miranda utilizing ICE SA Sanchez as a Spanish interpreter. ESPINOZA denied any knowledge of the methamphetamines discovered in his vehicle. During the interview ESPINOZA claimed ownership of the Motorola i560 Cellular Telephone.

Based on the facts contained in this affidavit and my experience and training, I believe that there is probable cause to believe that the above mentioned cellular telephone contain evidence of violations of Title 21, United States Code, Sections 952 and 960, importation of a controlled substance, Title 21, United States Code, Sections 841 (a)(1), possession of a controlled substance with intent to distribute, and Title 21 United States Code Section 846, attempt and conspiracy.

____
JOHN MIZUSAWA
SPECIAL AGENT, ICE

Sworn to and subscribed to before me

This 1st day of April, 2008.

____
Judge's Name
UNITED STATES MAGISTRATE JUDGE